

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**CRAIG CUNNINGHAM,** )  
                                )  
                                )  
**Plaintiff,**                 )  
                                )  
                                )  
**v.**                             ) **NO. 3:15-cv-00846**  
                                ) **CHIEF JUDGE CRENSHAW**  
**RAPID RESPONSE MONITORING** )  
**SERVICES, INC., et al.,**     )  
                                )  
**Defendants.**                 )

**ORDER**

Before the Court is a Report and Recommendation from the Magistrate Judge (Doc. No. 110) recommending that the Court grant the pending motions for summary judgment filed by remaining defendants Rapid Response Monitoring Services, Inc., Security Systems, Inc., and Homeland Security, LLC (Doc. Nos. 96, 101). No objections have been filed.

The Court notes that, upon filing of the pending motions for summary judgment, Plaintiff sought to voluntarily dismiss this case. The Court denied the motion, ruling that allowing Plaintiff to withdraw without responding to the motions for summary judgment, after nearly two years of litigation, would cause plain legal prejudice to the Defendants. (Doc. No. 104.) Plaintiff then responded to the motions for summary judgment. In his response, Plaintiff conceded that there is no evidentiary support for his allegations. (Doc. No. 105 at 3.) Plaintiff offered only one argument – namely, that he had not been allowed to conduct enough discovery. As detailed in both the Court’s December 12, 2017 Order (Doc. No. 104) and the Report and Recommendation (Doc. No. 110 at 4-8), this argument is without merit. A stay of discovery has never been entered in this years-long case, and Plaintiff has not shown that he has been anywhere near diligent in pursuing

discovery. The Magistrate Judge has correctly concluded that Plaintiff is not entitled to relief under Federal Rule of Civil Procedure 56(d).

Accordingly, the Report and Recommendation (Doc. No. 110) is **APPROVED AND ADOPTED**. The Motions for Summary Judgment (Doc. Nos. 96, 101) are **GRANTED**. The pretrial conference on May 21, 2018 and trial date of May 29, 2018 are **CANCELLED**. The clerk shall enter judgment under the Federal Rules of Civil Procedure and close the file.

IT IS SO ORDERED.



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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE